

This legislation contains a number of crucial provisions. It clarifies that no court order is required for foreign-to-foreign communications that pass through the United States. It reiterates that individual warrants, based on probable cause, are required when surveillance is directed at people in the United States. This legislation requires the Attorney General to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, and it allows the Court to issue a "basket warrant" without requiring the Court to make individual determinations about foreign surveillance. It provides for an initial 15-day emergency authority so that international surveillance can begin while the "basket warrant" is submitted to the Court. It allows for congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under the "basket warrant," to be submitted to the Intelligence and Judiciary Committees. Finally, this is a short-term legislative fix, sunsetting in 120 days.

In terms of the President's warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs to indicate that they require a legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This is accomplished by H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act, LISTEN Act," which I have co-sponsored last Congress with the Ranking Members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

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The Bush administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people. Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of inter-

cepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, this temporary legislative fix addresses the gap identified by Director McConnell. The Majority of both the House and the Senate have set aside partisan differences to work for the security of our Nation. We must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans. This is important legislation, and I strongly encourage my colleagues to join me in supporting it.

Mr. LANGEVIN. Madam Speaker, I rise in support of the bill. Despite the claims of those who support the Administration, this measure does nothing to protect those overseas who intend to do us harm. Instead, it is an important and vital effort to clarify the role of the FISA Court in light of advances in communications technology. As every member of the intelligence committee knows, the FISA Court already supervises aspects of foreign intelligence collection. The bill keeps the FISA Court engaged at the programmatic level, while ensuring that the Administration does not need individual warrants for foreign targets.

The administration's proposal would cut the court out of the process and let the Attorney General decide when American's liberties are infringed. Our legislation establishes meaningful, independent judicial oversight by the FISA Court. It protects America without sacrificing our civil liberties.

Our legislation is the responsible course, and I urge a YES vote.

Mr. FRELINGHUYSEN. Madam Speaker, I rise in opposition to this legislation—H.R. 3356.

The Global War on Terrorism—the Long War—is the first conflict of the information age. With our technical assets and expertise, the United States is far better at gathering information than our enemies. This is an advantage we must exploit each and every hour of the day to better protect the American people from terrorists who are plotting against us at this very moment. We must never lose that technological edge!

Last year, this House passed the Electronic Surveillance Act seeking to update the Foreign Intelligence Act (FISA) of 1978. That bill took into account 21st century technological developments which enable our intelligence agencies to spy on terrorists who may be planning the next attack.

For example, the current FISA law (1978) covers only "wire" and "radio" communications. FISA is a pre-internet, pre-cell phone law. It's a living anachronism! A dinosaur.

That reform bill never became law and since that time various developments have further eroded our intelligence capabilities.

The wording of the outdated FISA law and a court ruling earlier this year prevents our counterintelligence people from listening in on terrorists overseas if that communication is somehow routed thru "nodes" in the United States.

In our effort to "connect-the-dots" to prevent the next attack, this is a huge problem! The Director of National Intelligence has stated unequivocally that we continue to miss significant

amounts of information that we should be collecting.

Simply put—we should be fully protecting the American people, and we are not.

The Democratic Leadership has known about these failures and has failed to act to correct them.

Madam Speaker, it is critically important that this Congress immediately reform the FISA.

Intelligence is our first line of defense against terrorists. Good intelligence can save American lives—our soldiers in the war zones and our fellow citizens here at home.

During this summer of heightened threat warnings, there is no more important priority for this Congress today than to modernize FISA—fully and completely.

The lives of our constituents depend on it.

Unfortunately, H.R. 3356 falls short in several specific areas and actually erects new burdens for our counterintelligence personnel as they work to keep Americans safe.

It is opposed by the Director of National Intelligence.

I, too, oppose this legislation.

Mr. WILSON of South Carolina. Madam Speaker, we are debating critical legislation that would update the Foreign Intelligence Surveillance Act (FISA). This law must be updated to allow American agencies to listen to foreigners in foreign countries without a warrant. Like many of my colleagues, I believe that this is crucial to our national security. We must remain on the offense, and updating FISA will help us prevent future terrorist attacks.

Just yesterday, the Director of National Intelligence issued a statement urging Congress to make changes to FISA so we may protect American families. He said, "We must urgently close the gap in our current ability to effectively collect foreign intelligence. The current FISA law does not allow us to be effective. Modernizing this law is essential for the intelligence community to be able to provide warning of threats to the country."

Congress must act immediately to ensure that our intelligence community can do their job successfully. They should not be forced to obtain court orders that hinder them from learning of terrorist threats. We must ensure that those who help our Government and report suspicious activity are protected. I urge my colleagues to act now and help keep your constituents and our country safe from impending terrorist attacks.

I have said many times on the floor of the House of Representatives that I have not forgotten September 11th. I urge my colleagues to act now to protect American families. We must face our enemies overseas so we do not have to face them here at home. Let's enact commonsense real reform that gives our intelligence officers the tools they need to effectively protect us.

Mr. TIAHRT. Madam Speaker, I am extremely concerned about our national security and deeply troubled that our intelligence community has been prevented from doing the job they need to protect Americans. For that reason I strongly oppose H.R. 3356 as it will only further tie the hands of our intelligence community.

The latest National Intelligence Estimate (NIE) clearly states that we are at risk of an attack. We have all read the reports this week about the very real concerns that our enemies intend to attack the in the next month or so.